

REMARKS

Claims 1-18 are pending. Claims 1-5, 8-14, and 16-18 have been rejected under 35 U.S.C. §102. Claims 6, 7, and 15 have been cancelled. Claims 1-5, 8-14, and 16-18 remain for consideration upon entry of the present Response.

Claims 1-5, 8-14, and 16-18 have been rejected under 35 U.S.C. 102(b) as being anticipated by International Application Publication No. WO 00/47374 (hereinafter "the '374 reference"). Applicants traverse the rejection and respectfully request reconsideration.

Claim 1 is directed to a shaving apparatus comprising one or more razor blades; a reservoir for containing a non-solid shaving aid material; at least one conduit extending between the reservoir and one or more ports; and a pump in fluid communication with one or both of the reservoir and the conduit. Movement of the one or more razor blades actuates the pump, and the pump transfers shaving aid material from the reservoir to the one or more ports.

Claim 12 is directed to a shaving aid material pump comprising a reciprocating mechanism selectively operable to transfer shaving aid material from a reservoir to a port for dispensing to a surface being shaved. The reciprocating mechanism includes a biasing mechanism.

The '374 reference is directed to a safety razor having a blade unit 1 pivotally mounted on a carrying structure 2 for movement about an axis 14. The carrying structure 2 is attached to a container 3. (Page 5, lines 1-3.) The container 3 includes a canister 15 and a fluid reservoir 21 formed within a bag 19, the bag having a flexible wall which is collapsible as the contents of the bag are discharged. A neck at the upper end of the bag 19 is sealed to a valve housing 20. A resiliently compressible annular valve seat 22 is held between a top wall of the canister 15 and the valve housing 20. A valve member 24 is disposed within the valve housing 20. A closed space 23 confined between the canister 15 and the bag 19 contains a propellant gas for forcing the bag to collapse and discharge its contents when the valve member 24 is opened relative to the valve seat 22. (Page 6, lines 1-14.)

The '374 reference fails to disclose, teach, or suggest a shaving apparatus comprising a pump that is actuated by the movement of one or more razor blades, as

recited in claim 1. The Examiner contends that "Applicants' argument appears to be directed to the use of the term (i.e., pump vs. valve) rather than to delineating claimed structure not shown by the prior art." Applicants are somewhat puzzled by the Examiner's statement because pumps and valves are two very different things having very different structure, and Applicants are not using the term "pump" outside of its ordinary and customary meaning in such a way as to cause it to be confused with the term "valve." According to Perry's Handbook for Chemical Engineers, a pump is a device that transfers a fluid by a reciprocating action, a rotary action, or a centrifugal action. Similarly, Webster's Ninth New Collegiate Dictionary defines a pump as "a device that raises, transfers, or compresses fluids..." A valve, on the other hand, is defined in Perry's as a mechanical device that controls the flow of a fluid. Webster's defines a valve as a mechanical device "by which the flow of liquid, gas, or loose material in bulk may be started, stopped, or regulated by a movable part that opens, shuts, or partially obstructs one or more ports or passageways..." A comparison of the definitions of a pump and a valve then allows one to logically conclude that a device that raises, compresses, or transfers fluids via a reciprocating action (i.e., a pump) is not a device that controls fluid flow or that starts, stops, or regulates fluid flow by opening, shutting, or obstructing an opening (i.e., a valve). A pump positively acts on a fluid to move it, whereas a valve is a passive device that either allows or prevents fluid transfer. Thus, by definition, a pump and a valve are two different things. Because Applicants are not using the term "pump" outside of its ordinary and customary meaning, and because Applicants use of the term can in no way be confused with a valve, there is no need to delineate the claimed pump structure from the valve structure of the prior art other than to say that Applicants claim a pump and the prior art recites a valve.

The pump as recited in claim 1 transfers non-solid shaving aid material via movement of the razor blades, which move in a reciprocating motion. When the razor blades of the pump as recited in claim 1 move, non-solid shaving aid is transferred. The term "pump" is used within its ordinary and customary meaning. The device of the '374 reference, on the other hand, simply opens or closes to allow fluid to flow or to stop fluid flow. Such a device (i.e., one that opens or closes to allow fluid to flow or to stop fluid flow) comports with the ordinary and customary definition of a valve.

When the valve of the '374 reference is operated, a pressurized gas is released, and such a release forces a bag to collapse, thereby dispelling the contents of the bag. The reciprocal motion (movement of the blades) of the pump as recited in claim 1 is not a simple opening or closing of a valve to allow fluid to pass therethrough, as it is in the '374 reference. Furthermore, contrary to the Examiner's allegation, the device of the '374 reference does not transfer a fluid by the reciprocating up and down motion of the stem/valve arrangement. Such motion merely opens the valve to release pressurized gas. Without pressurized gas in the fluid, no amount of reciprocal action of the stem/valve arrangement will move the shaving fluid because the stem/valve arrangement does not act on the fluid as a pump would. Accordingly, the pump, as recited in claim 1, is patentably distinct and not anticipated by the device of the '374 reference. Applicants, therefore, respectfully request that the Examiner withdraw the rejection of claim 1 based on the '374 reference.

The '374 reference further fails to disclose, teach, or suggest a shaving aid material pump, as recited in claim 12. Pumps are not valves, as described above. Therefore, the shaving aid material pump of claim 12 (the pump being a device, by definition, that transfers fluid by a reciprocating motion) is not a valve that is selectively operated to release a pressurized gas that causes the contents of a bag to be discharged. Accordingly, the shaving aid material pump, as recited in claim 12, is not anticipated by the device of the '374 reference. Applicants, therefore, respectfully request that the Examiner withdraw the rejection of claim 12 based on the '374 reference.

To anticipate a claim under 35 U.S.C. §102, a single reference must disclose each and every element of the claimed invention. Absence of the reference of any claimed element negates anticipation. Because the '374 reference fails to disclose, teach, or suggest a shaving apparatus comprising a pump that is actuated by the movement of one or more razor blades, as recited in claim 1, the '374 reference fails to disclose each and every element of the claimed invention. Thus, claim 1 is not anticipated by the '374 reference. Furthermore, because the '374 reference further fails to disclose, teach, or suggest a shaving aid material pump, as recited in claim 12, the '374 reference fails to disclose each and every element of the claimed invention. Thus, claim 12 is not anticipated by the '374 reference. For at least these reasons,

claims 1 and 12 are allowable, and Applicants respectfully request that the Examiner withdraw the rejections of claims 1 and 12.

Dependent claims, by definition, add recitations that further define the subject matter of the independent claims from which they depend. Because claims 2-5 and 8-11 depend from claim 1, and because claim 1 is asserted to be novel for at least the reasons presented above, claims 2-5 and 8-11 are allowable. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections of claims 2-5 and 8-11.

Claims 12-14 and 16-18 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,417,468 to Miyauchi (hereinafter "Miyauchi"). Claims 12-14 and 16-18 have also been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 2,686,361 to Resnick et al. (hereinafter "Resnick"). The rejections of claims 12-14 and 16-18 are traversed, and reconsideration is respectfully requested.

The teachings of claim 12 are presented above.

Miyauchi is directed to a shaving device having a handle that defines a refillable chamber. (Abstract.) The shaving device comprises a blade securing part 1, a discharge control part 2, and a grip 3 that also serves as a container for storing shaving liquid 4. The shaving liquid 4 is discharged through the blade securing part 1. (Column 2, lines 28-33.) The discharge control part 2 comprises a securing portion 13 of an intermediate member 8 and a rotating member 16 that rotates and axially moves within the intermediate member 8. A lower portion of the intermediate member 8 engages the grip 3, the grip being provided at its uppermost and lowermost parts with valves 19 and 21, respectively. The valve 19 is provided with a pipe 20 to effect the operation of the valve. (Column 2, lines 49-64.) When the rotating member 16 is biased downward, the pipe 20 is also biased downward such that a small hole in the pipe 20 is moved out of engagement with a seat member 26. "Thus, the valve 19 is opened so that the shaving liquid 4 pressurizedly contained within the grip-container 3" is discharged from the shaving liquid discharging part. (Column 3, lines 27-39.)

Miyauchi fails to disclose, teach, or suggest a shaving aid material pump. The definition of a pump is given above. In contrast, the device of Miyauchi is simply a mechanical device that controls the flow of a fluid (a mechanical device by which the

flow of fluid may be started, stopped, or regulated by a movable part that opens, shuts, or partially obstructs one or more ports or passageways). In other words, the device of Miyauchi is a valve. The shaving aid material pump of the present invention (which drives the shaving aid material via a reciprocating action) is not a valve that, when operated, simply releases a pressurized gas. Accordingly, the shaving aid material pump, as recited in claim 12, is not anticipated by the device of Miyauchi. Applicants, therefore, respectfully request that the Examiner withdraw the rejection of claim 12 based on Miyauchi.

Resnick is directed to a single- or multiple-bladed safety razor that incorporates a reservoir for containing a shaving lubricant and means for forcing and controlling the quantity of lubricant to a shaving head of the razor forward of the blade edge(s). (Column 1, lines 1-6.) The reservoir (designated by reference numeral 10 in the Figures) is formed as a hollow, relatively elongated container sized and shaped such that the razor can be grasped by the hand of a user. (Column 2, lines 35-45.) The reservoir 10 is adapted to contain a quantity of a shaving lubricant 20. (Column 2, lines 59-61.) The shaving lubricant 20 is maintained under gas pressure in such a manner as to cause the lubricant to be formed into a lather whenever a suitable valve is opened. Whenever such a valve is opened, the lubricant is discharged under substantial pressure through the valve and is forced through the shaving head and spread over the user's hair and skin. (Column 3, lines 2-15.)

Resnick fails to disclose, teach, or suggest a shaving aid material pump. In contrast, the device of Resnick has a selectively openable member that, when opened, releases a pressurized gas that drives contained shaving liquid. As above, the present invention as claimed is directed to a pump, and in contrast, the device of Resnick is simply a valve. A pump is not a valve. Accordingly, the shaving aid material pump, as recited in claim 12, is not anticipated by the device of Resnick. Applicants, therefore, respectfully request that the Examiner withdraw the rejection of claim 12 based on the Resnick reference.

As stated above, to anticipate a claim under 35 U.S.C. §102, a single reference must disclose each and every element of the claimed invention. Absence of the reference of any claimed element negates anticipation. Because Miyauchi fails to disclose, teach, or suggest a shaving aid material pump, as recited in claim 12,

Miyauchi fails to disclose each and every element of the claimed invention. Thus, Miyauchi necessarily fails to anticipate the claimed invention. Furthermore, because Resnick fails to disclose, teach, or suggest a shaving aid material pump, as recited in claim 12, Resnick fails to disclose each and every element of the claimed invention. Thus, Resnick also necessarily fails to anticipate the claimed invention. Applicants accordingly respectfully request that the Examiner withdraw the rejections of claim 12 based on Miyauchi and Resnick.

As stated above, dependent claims, by definition, add recitations that further define the subject matter of the independent claims from which they depend. Because claims 13, 14, and 16-18 depend from claim 12, and because claim 12 is asserted to be novel for at least the reasons presented above, claims 13, 14, and 16-19 are likewise allowable. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections of claims 13, 14, and 16-18.

Applicants believe that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein are allowable. In view of the foregoing points that distinguish Applicants' invention from those of the prior art and render Applicants' invention novel, Applicants respectfully request that the Examiner reconsider the present application, remove the rejections, and allow the application to issue.

If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is invited to telephone the undersigned.

Applicants believe that no fees are due with respect to this Response. If, however, the Examiner deems that any fees are in fact due, they may be charged to Deposit Account No. 503342 maintained by Applicants' attorneys.

Respectfully submitted,

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